

THE
CONSERVATION FUND

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Department of Water Resources
Eastern Region

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February 20, 2013

Idaho Department of Water Resources Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402
(208-525-7177)

Re: Change of Ownership and Change of Point of Diversion for Water Right Nos. 35-14175, 35-14177 and 35-14179; The Conservation Fund [Project #25580]

To whom it may concern:

Enclosed are the following documents which are submitted to you on behalf of The Conservation Fund, a Maryland non-profit corporation ("Fund"), which is the owner of IDWR Water Right Nos. 35-14175, 35-14177 and 35-14179 (the "Water Rights"):

1. State of Idaho Department of Water Resources Application for Transfer of Water Right – Point(s) of Diversion (the "Application").
 - a. The Fund acquired the 47.14 acre Spring Creek Ranch (Raymond) property (the "Fund Property") on February 27, 2012, along with the Water Rights. The Fund Property is located adjacent to Deer Parks Wildlife Mitigation Area administered by the United States of America, acting by and through the Department of the Interior, Bureau of Land Management ("BLM"). At a future date the Fund Property and Water Rights may be conveyed to the BLM as part of the Deer Parks WMA. The Application requests transfer of ownership of the Water Rights to the Fund.
 - b. The current points of diversion for the Water Rights are (a) NW1/4NE1/4NW1/4, Section 22, T5N, R38E B.M.; and (b) SW1/4SW1/4SW1/5, Section 15, T5N, R38E B.M. The water from the Water Rights is currently conveyed from the off-site points of diversion to Fund Property via the Butte and Market Lake Canal. The water from the Water Rights is pumped out of the Canal near the proposed point of diversion and then used for irrigation of the Fund Property. The Application requests transfer of the point of diversion to the NE1/4NW1/4SE1/4, Section 16, T5N, R38E B.M. which is located on the Fund Property. At the proposed point of diversion a well would be drilled and irrigation water from the Water Rights would be used to irrigate 44 acres of the Fund Property through two Wade



Rain wheel lines and portable aluminum lines, in the same manner and location that irrigation is currently occurring.

- c. The current place of use of the Water Rights is on the Fund Property; the place of use will not change.
 - d. The Fund discussed the Application with Mr. Michael Holliday of IDWR on February 6, 2013. Mr. Holliday indicated that an Eastern Snake Plain Aquifer (ESPA) analysis is not necessary because the proposed point of diversion is located in a Model cell adjacent to the current point of diversion.
2. The Fund Board Resolution No. 079-10 concerning Officers and Signature Authorizations evidencing the authority of Scott M. Tison, Assistant Secretary, to sign the Application.
3. State of Idaho Annual Report Form for 2012 filed by the Fund.
4. State of Idaho, Department of State Certificate of Authority for the Fund.
5. General Warranty Deed from Spring Creek Ranch Inc. to the Fund recorded on February 27, 2012 as Instrument No. 396254 in the Official Records of Jefferson County, Idaho for the 47.14 acre Spring Creek Ranch (Raymond) property. The deed included the conveyance of IDWR Water Right Nos. 35-14175, 35-14177 and 35-14179 to the Fund.
6. IDWR Application for Transfer of Water Rights Part 2A for Water Right Nos. 35-14175, 35-14177 and 35-14179.
7. Four maps and aerial photographs showing the Fund Property and the proposed point of diversion in the NE1/4NW1/4SE1/4, Section 16, T5N, R38E B.M.
 - a. Map showing current and proposed point of diversion.
 - b. Survey showing Fund Property and proposed point of diversion.
 - c. Aerial photograph showing Fund Property and proposed point of diversion.
 - d. Aerial photograph showing Fund Property.
8. The Fund check in the amount of \$655 which represents \$25 each for the transfer of ownership of the three Water Rights (\$75 total), and \$580 for transfer of point of diversion (0.82 cfs, 176 acre-feet).

Idaho Department of Water Resources
Application of The Conservation Fund
Transfer of Ownership and Point of Diversion
Water Right Nos. 35-14175, 35-14177 and 35-14179
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Please contact Mark Elsbree (208-726-4419) or Allan Beezley (303-440-5867) if you have any questions about the Application or attached documents, or if you need any additional information from us.

Sincerely,



Scott M. Tison
Real Estate Legal Manager